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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,554	07/25/2003	Florian Patrick Niehaus	2003P04477US	3548

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

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EXAMINER

LE, KAREN L

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/627,554

Applicant(s)

NIERHAUS ET AL.

Examiner

KAREN L. LE

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesse (US 7,046,779) in view of Kuusinen et al. (US 2004/0076277).

Regarding claim 1, Hesse teaches a method for indicating a speaker during a conference (Fig.2, item 208), comprising:

determining a list of participants in a conference (Fig.2, item 202);

determining a sample from said conference (Fig.2, item 248);

determining a participant from said list that is speaking during said sample (Fig.2, items 216 and 206);

providing data indicative of said sample; and

providing data indicative of said participant (Fig.2, item 208).

Hesse does not teach displaying a graphic indication that said participant is speaking. However, Kuusinen teaches displaying a graphic indication that said participant is speaking (see para. 0053 and Fig. 3, items 32 and 33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to incorporate Kuusinen's feature into Hesse's system in order to provide displaying a graphic indication that a participant is speaking.

Regarding claim 2, Hesse further teaches wherein said determining a participant from said list that is speaking during said sample includes determining an active channel in said sample and determining a speaker associated with said active channel (Fig.2, items 208 and Col. 7, lines 43-55).

Regarding claim 4, Hesse further teaches determining at least one active channel in said conference (Col. 7, line 50-55).

Regarding claim 5, Hesse further teaches determining at least one active channel includes determining significance of a plurality of channels in said conference and selecting said at least one active channel from said plurality of channels (Fig.2, item 208 and Col. 7, lines 50-55).

Regarding claim 6, Hesse further teaches determining a sample from said conference includes determining a sample from said at least one active channel (Fig.2, item 208).

Regarding claim 7, Hesse further teaches providing data indicative of said sample includes providing a sample of voice data associated with said conference

(Fig.2, items 216 and 248).

Regarding claim 8, Hesse further teaches providing data indicative of said participant includes providing said data via a first channel and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data via a second channel (Fig.2, items 218 and 212).

Regarding claim 9, Hesse further teaches providing data indicative of said participant includes providing said data to a first client device and wherein said providing a sample of voice data associated with said conference includes providing said sample of voice data to a second client device (Fig.2, items 218 and 212).

Regarding claim 10, Hesse further teaches determining a significance of at least one active channel in said conference (Fig.2, item 208 and col. 3, lines 35-53).

Regarding claim 11, Hesse further teaches determining a participant from said list that is speaking during said sample includes identifying a participant speaking on said at least one active channel during said sample (Fig.2, item 208 and Col. 5, lines 15-22).

Regarding claim 12, Hesse further teaches 1, wherein said data indicative of said participant includes data indicative of a device associated with said participant (Col. 8,

Art Unit: 2614

lines 16-22).

Regarding claim 13, Hesse further teaches said data indicative of said participant includes data indicative of a channel associated with said participant (Col. 3, lines 35-53).

Regarding claim 14, Hesse further teaches 1, wherein said sample includes data from multiple active channels associated with said conference (Fig.2, items 218, 212 and 248).

Regarding claim 15, Hesse further teaches determining a participant from said list that is speaking during said sample includes determining a participant from a plurality of participants that are aggregated on a channel (Fig.2, items 208 and 212).

Regarding claim 16, Hesse further teaches wherein said data indicative of said sample has a different sample size than said data indicative of said participant (Fig.2, items 208 and 212).

Regarding claim 17, Hesse further teaches a system for indicating a speaker during a conference, comprising:
a network (Fig. 3, item 303).
at least one client device operably coupled to said network (Fig. 3, station 326 –348);

a server operably coupled to said network, said server adapted to determine a list of participants in a conference; determine a sample from said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 3, items 302).

Hesse does not teach displaying a graphic indication that said participant is speaking. However, Kuusinen teaches displaying a graphic indication that said participant is speaking (see para. 0053 and Fig. 3, items 32 and 33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kuusinen's feature into Hesse's system in order to provide displaying a graphic indication that a participant is speaking.

Regarding claim 18, Hesse further teaches, wherein said server is adapted to determine an active channel associated with said conference (Col. 9, lines 13-20).

Regarding claim 20, Hesse further teaches, wherein said client device is adapted to display an indication of said participant (Col. 9, User GUI lines 18-19, table 1).

Regarding claim 21, Hesse further teaches, wherein said client device is adapted to display a level of activity of said participant in said sample (Col. 9, User GUI lines 18-19 and table 1).

Regarding claim 22, Hesse further teaches a system for indicating a speaker during a conference, comprising:

- a processor (Fig. 4, item 404);
- a communication port coupled to said processor and adapted to communicate with at least one device (Fig. 4, item 403); and
- a storage device coupled to said processor and storing instructions adapted to be executed by said processor to:

- determine a list of participants in a conference; determine a sample from said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 4, item 324).

Hesse does not teach displaying a graphic indication that said participant is speaking. However, Kuusinen teaches displaying a graphic indication that said participant is speaking (see para. 0053 and Fig. 3, items 32 and 33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kuusinen's feature into Hesse's system in order to provide displaying a graphic indication that a participant is speaking.

Regarding claim 23, Hesse further teaches an article of manufacture comprising:

- a computer readable medium having stored thereon instructions which, when executed by a processor, cause said processor to: determine a list of participants in a conference;

determine a sample from said conference; determine a participant from said list that is speaking during said sample; provide data indicative of said sample; and provide data indicative of said participant (Fig. 4, item 404).

Hesse does not teach displaying a graphic indication that said participant is speaking. However, Kuusinen teaches displaying a graphic indication that said participant is speaking (see para. 0053 and Fig. 3, items 32 and 33). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Kuusinen's feature into Hesse's system in order to provide displaying a graphic indication that a participant is speaking.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4-18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L. Le whose telephone number is 571-272-7487. The examiner can normally be reached on Mon and Thurs: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2614

/Karen L Le/

Examiner, Art Unit 2614

April 11, 2008

/Ahmad F. MATAR/

Supervisory Patent Examiner, Art Unit 2614